POLICING ARRANGEMENTS IN NEW BRUNSWICK WITH PARTICULAR REFERENCE TO THE HIGHWAY PATROL FUNCTION

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INTRODUCTION

Terms of reference

The terms of reference for this report were as follows:-

1) Providing the Government of New Brunswick with an independent and impartial assessment of the viability of suggested alternatives in respect of policing arrangements in the Province.

2) The major focus of the project will be on the issue of whether the New Brunswick Highway Patrol (NBHP) should be retained as part of the present cooperative model of policing or with an alternative mandate or whether the Government should revert to the utilization of an expanded Royal Canadian Mounted Police (RCMP) service under provincial contract which would include the highway patrol function.

3) While the assessment will be largely based on the dual criteria of the provision of an acceptable level of policing services and of cost, the consultant is expected to draw to the attention of the Government all other relevant factors necessary for an informed determination of the issue.

Methodology

The consultant was supplied by the Department of the Solicitor General and the interested parties with the documents listed in the bibliography (Appendix 'A') under the heading "Documents Received from Government Sources, the NBHP and the RCMP."

Following perusal of these papers the consultant requested further information from the Department of the Solicitor General, the Department of Transportation, the Chief of the NBHP, the Commissioner of the RCMP and the Executive Secretary of the New Brunswick Public Employees Association (NBPEA). Following receipt of this further information personal interviews were then held with the persons listed in Appendix 'B'.

All of the resulting material was then analyzed together with related police research data with a view to making recommendations on the issues raised in the terms of reference.

Caveat

It should be noted that all of the follow-up information sought and all of the resulting interviews were directed towards the major focus of the project i.e. whether to retain the NBHP in its present or in an altered form or whether to revert to the RCMP providing the highway patrol function. The uncertainty

which pondering this decision creates not only for these organizations but also, and more importantly, for the individuals involved (whose jobs may be on-the-line) made it important that a decision be rendered as soon as possible. As a result I did not consult with representatives of the potential bodies involved in dealing with my views on the first of the terms of reference i.e. the general policing arrangements in New Brunswick. Obviously no government should act on my recommendations on the first of the terms of reference without first engaging in detailed consultations with the affected parties. This said, however, it is necessary to remember that my recommendations in connection with the NBHP/RCMP issue are made in the context of my general concerns about the way in which present policing arrangements in the Province -- the seemingly inevitable product of history -- diverge from any rational organizational framework which could be supported by modern police research.

POLICING, THE CONSTITUTION AND ALLOCATION OF POLICE RESOURCES

Provincial responsibility for policing

Since Confederation, the courts do not seem to have seriously questioned the proposition that policing of the provinces falls within the ambit of the "administration of justice" under s.92(14) of the Constitution Act 1867 and is therefore a specific provincial responsibility.[1] A dissent by Laskin C.J. in Di Iorio v. Warden of the Common Jail of Montreal[2] suggesting that the enforcement of criminal law, including both policing and the prosecution function, was within the exclusive constitutional responsibility of the federal Parliament and the re-affirmation of this view by a majority of the Supreme Court of Canada with respect to prosecutions only in A.G. Can. v. C.N. Transportation[3] and in R v. Wetmore[4] does not appear to cast doubt upon provincial authority over policing.[5]

It is, therefore, within the legislative competence of a province to make suitable policing arrangements within its boundaries and all Canadian provinces appear to have done so by a combination of municipal, regional and provincial policing either by police forces specially created to undertake these tasks or by the use of police services contracted from the Royal Canadian Mounted Police or, in Ontario and Quebec, from the Ontario Provincial Police or the Quebec Police Force.

This much is not controversial. What can become more so is the "mix" which exists in any province of these various, and sometimes competing, police bodies since serious questions have been raised over the efficiency and effectiveness of small policing units[6] and the dangers of over-specialization.[7]

Present policing arrangements in New Brunswick

At present New Brunswick has 1146 police personnel engaged in various police units undertaking police functions in the province as follows:-

653 Municipal policemen in 26 municipal departments[8]

74 RCMP on municipal contracts

288 RCMP on a provincial contract

131 NBHP undertaking highway enforcement throughout the province.

It is difficult to believe that someone planning the policing of New Brunswick today from a clean slate would devise such a hotch-potch of police jurisdictions. Present arrangements are simply the product of history and no rational basis exists for structuring policing in this way. That a province of the size of New Brunswick has within its boundaries a sufficient requirement for police services that could be organized in a fully effective and efficient manner is without doubt. The challenge for the present government is to find the best method of doing so since the public interest would, in my view, be

served by a more rational system than that which presently exists.

The major reason for the continued proliferation of many small police forces relates to the general theory that derived from Anglo-Saxon practice that order maintenance and customary law enforcement was the responsibility of the local community. Sir Robert Peel, in 19th century England, largely adopted this approach when ushering in the "new" police model in 1829. This has had a pervasive effect on many western democratic policing systems, namely that "the police are the public and the public are the police". Peel's stress on policing with the consent of the local community explains the early and continuing interest in locally organized police i.e. the involvement of a combination of democratically elected officials and other appointees in some supervision of the police role but, ideally, without interference in police decision-making on a case-by-case basis.

It is suggested that this laudable concept can be retained by providing for a governing police authority which comprises a mixture of locally elected officials and provincial appointees without having to retain the smallest individual police forces themselves. They once served a valid purpose in an earlier era but have now been overtaken by a culture increasingly based on technological advances and constantly improving communications which require larger and more flexible organizations to support the modern police function of preventing crime, maintaining order

and assisting in the prosecution of offences when crimes are committed or public order is breached.

Present application of ideas of local involvement in New Brunswick policing means that the 1146 public peace officers in the Province answer to no less than twenty-eight (28) different police chiefs.[9] Does the province really need one police chief for every 40 policemen?[10]

A Possible New-Look for Policing in New Brunswick

Rather than continuing with the process that history has bequeathed to us, it might be interesting to look at possible police arrangements through the other end of the telescope. Why not one police chief for all 1146 police officers in New Brunswick? The Province could, by competent and constitutional legislation, create a New Brunswick Province Police Force (NBPP) to police the whole province i.e. incorporating all of the cities, towns, villages and other areas of the province. All RCMP contracting would end under this model or the RCMP could be contracted to police the whole province.

If this were thought to be too much of a break with tradition, a NBPP could be established for all areas of the province outside the three largest cities (i.e. Fredericton, Moncton and St. John would retain municipal police forces). A NBPP of this type would number 743.

A somewhat less adventurous approach would be to exclude all of the Cities in New Brunswick so that, in addition to the "Big Three" named above, both Bathurst and Edmundston would also be permitted to retain municipal police forces. This would produce a NBPP force of 690.

At the very least, even if all of the above suggestions were to be rejected, very serious consideration should be given to having the RCMP contract for all of the 21 municipal and regional police operations outside the five cities named above. No police force of 15-20 or under can provide a generalized 24 hour-a-day service for 365 days-per-year together with essential specialization and make provision for basic, in-service, supervisory and leadership training and development.

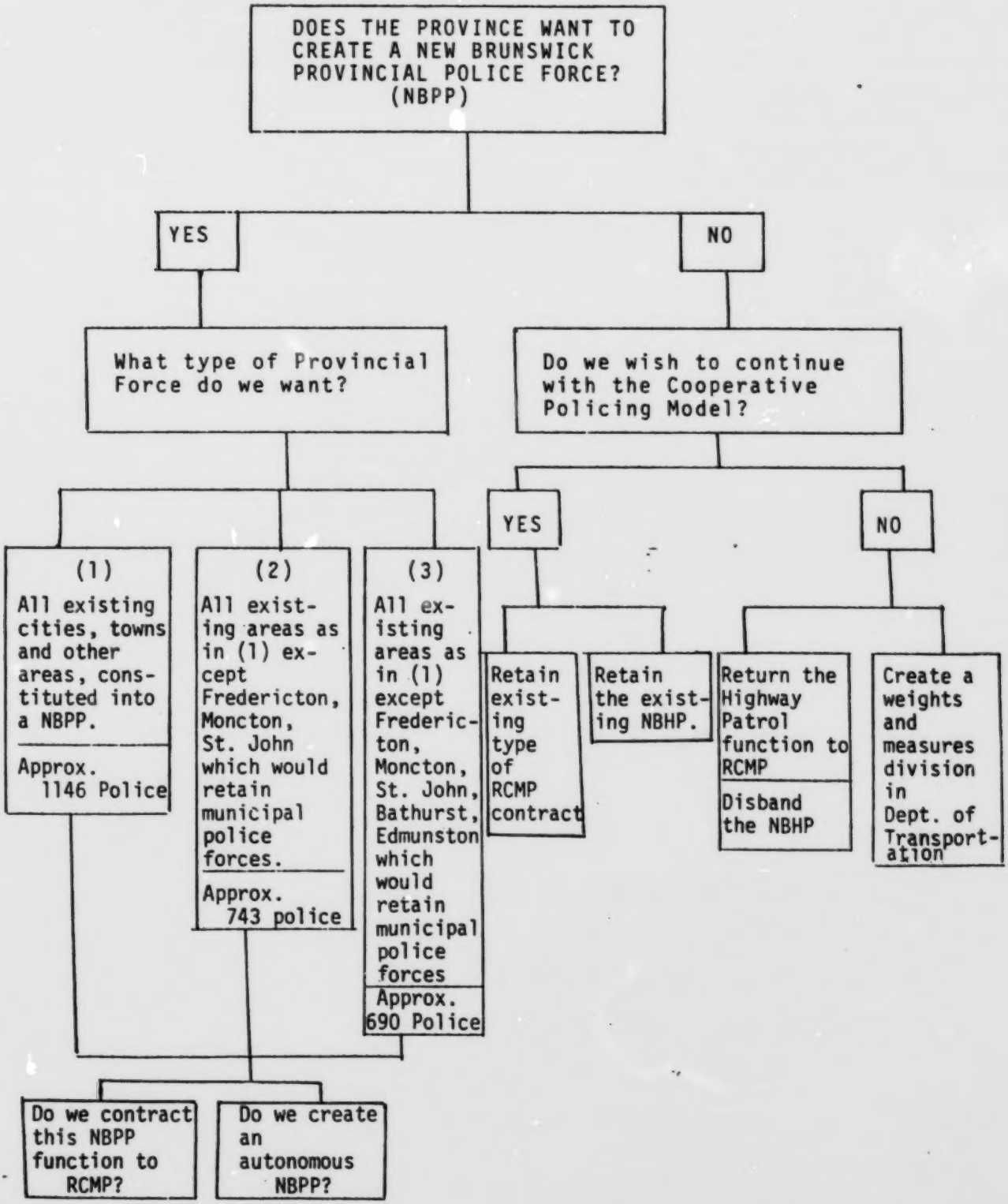
The evidence from most competent Canadian police research[11] indicates that the provincial government should be making arrangements to do away with all police forces of 15-20 and under. Whether the decision is to do so by creating a NBPP or contracting with the RCMP is much less important than that the decision be made to move away from non-viable municipal and regional policing arrangements where, experience has shown, the major structural weaknesses continually show up to be dealt with by provincial police commissions and enquiries.

The following chart (Fig. 1) depicts the suggested decision-making process for the New Brunswick government and places the

question of the future of the NBHP in the more general setting of the overall policing arrangements in New Brunswick.

Fig. 1

A DIAGRAM OF THE DECISION PROCESS WHICH THE GOVERNMENT OF NEW BRUNSWICK IS RECOMMENDED TO FOLLOW TO RESOLVE OUTSTANDING QUESTIONS OF POLICING ARRANGEMENTS IN THE PROVINCE.


DOES THE PROVINCE WANT TO CREATE A NEW BRUNSWICK PROVINCIAL POLICE FORCE? (NBPP)
YES
NO
What type of Provincial Force do we want?
Do we wish to continue with the Cooperative Policing Model?
(1)
All existing cities, towns and other areas, constituted into a NBPP.
Approx. 1146 Police
(2)
All existing areas as in (1) except Fredericton, Moncton, St. John which would retain municipal police forces.
Approx. 743 police
(3)
All existing areas as in (1) except Fredericton, Moncton, St. John, Bathurst, Edmunston which would retain municipal police forces
Approx. 690 Police
YES
NO
Retain existing type of RCMP contract
Retain the existing NBHP.
Return the Highway Patrol function to RCMP
Disband the NBHP
Create a weights and measures division in Dept. of Transportation
Do we contract this NBPP function to RCMP?
Do we create an autonomous NBPP?

BACKGROUND TO THE CURRENT POLICING SITUATION IN NEW BRUNSWICK

Origins

The origin of provincial policing in New Brunswick can be traced to the 1898 Act Respecting the Appointment of Provincial Constables. Provincial policing remained governed by this statute until 1927, when the New Brunswick Provincial Police Force was established. The primary responsibilities of the force were (a) the enforcement of provincial temperance legislation in cooperation with federal agents and (b) dealing with criminal and quasi-criminal matters in the rural areas of the province. This experiment with its own provincial police force was short-lived in New Brunswick. In 1932 the Provincial Police Force was disbanded and the province entered into an agreement with the Government of Canada for the services of the RCMP. Since that time, New Brunswick has continually maintained its contractual relationship with the RCMP. The current contract is due to expire in 1991.

Growth of NBHP

The origins of the existence of the New Brunswick Highway Patrol can be found in 1978 when the Provincial Secretary's Department included an enforcement arm called the Highway Law Enforcement Division. On October 1, 1978 legislation was proclaimed that officially disbanded the Provincial Secretary's

Department. As a result, those members of the Highway Law Enforcement Division who had been responsible for the operations of stationary weigh scales were transferred to the Department of Transportation. The twenty-five members of the Highway Law Enforcement Division who were responsible for mobile weights and measures enforcement were transferred to the Department of Justice. These persons were employed throughout the Province as commercial-vehicle weight inspectors pursuant to the provisions of s.15(1) of the province's Motor Vehicle Act.

On January 1, 1980 those twenty five members of the Highway Law Enforcement Division were assigned to detachments in Fredericton, Woodstock (later relocated to Hartland), Perth-Andover, and Edmundston. They became known as the New Brunswick Highway Patrol. The Patrol was created originally to police the Trans-Canada Highway from the Quebec border to Jemseg, Queens County. Before assuming those duties all members spent four weeks at the Atlantic Police Academy in an intensive training course on highway patrol duties. It is worth noting that of the original members comprising the Highway Patrol only five did not have previous training and experience as police officers.

Between January 1 and May 15, 1980 the Highway Patrol carried out its duties on the Trans-Canada Highway seven days a week between eight a.m. and five p.m. A two-way radio communications system was in place as of May 15, 1980, and the Highway Patrol was then able to provide twenty-four hour coverage, in part on an "on-call" basis . On April 1, 1981 the

Patrol added five members to its ranks. The additional members enabled the Patrol to provide special commercial vehicle enforcement in areas of the Province where it was not yet located. This service was provided at Saint John, Moncton, Newcastle, Bathurst and Edmundston. On May 1, 1980 all members were issued firearms and were trained in their use by the Saint John Police Department. On September 15 of 1980, the Patrol assumed responsibility from the RCMP for traffic accident investigation on the Trans-Canada Highway.

The proclamation of certain amendments to the Police Act on July 17, 1981 officially created the New Brunswick Highway Patrol as a "police force" with province-wide powers of investigation and arrest. Therefore the Patrol's jurisdiction expanded not only to include relevant provincial legislation but also those sections of the Criminal Code dealing with motor vehicles. On July 1, 1982 the jurisdiction of the Patrol expanded yet again. This expansion involved the addition of seven members bringing the total establishment of uniformed officers to thirty-seven in the four detachments of Edmundston, Perth-Andover, Hartland and Fredericton. The scope of the expansion involved all highways along the Trans-Canada within the RCMP detachment areas of Edmundston, St. Leonard, Grand Falls, Perth-Andover, Florenceville, Woodstock, Fredericton and Gagetown. On March 1, 1983 the Patrol's area of jurisdiction expanded to include territory in the Sussex detachment area of the RCMP. This

expansion involved the addition of seven members to the NBHP and the establishment of a fifth detachment at Sussex.

Further expansion occurred on June 1, 1983 when the Patrol's jurisdiction extended laterally along the Trans-Canada Highway from Sussex to the Nova Scotia border. This expansion required the addition of fourteen members plus two support staff in two new detachment areas at Petitcodiac and Memramcook. The process of expansion continued so that by the end of 1984 an additional three detachment areas were created at Campbellton, Bathurst and Shippagan. In 1985 a total of six detachment areas were added at Doaktown, Douglastown, St. Antoine, St. Stephen, Saint John, and Harvey bringing the number of detachments to sixteen with 114 uniformed officers. Seventeen short-term contracts brings the NBHP police strength to 131. In the fall of 1987, the Department of the Solicitor General was created, thereby transferring responsibility for the New Brunswick Highway Patrol from the Department of Justice to the Department of the Solicitor-General. On April 1, 1988 the New Brunswick Highway Patrol Act was proclaimed in force.

Development of the "cooperative policing" model

The net result of the expansion of the New Brunswick Highway Patrol together with the existence of the R.C.M.P. as the province's police force has been a system of "cooperative policing". Originally the establishment of the Highway Patrol was based on the premise that any growth in the Patrol would be

counter-balanced by a person-for-person reduction in the R.C.M.P. provincial policing establishment. This approach was adopted in order to provide specialized law enforcement without incurring a corresponding increase in financial burden. For reasons that include the lack of a pool of general-duty officers within the New Brunswick Highway Patrol from which to draw for emergency assistance, the person-for-person formula has not, in fact, been followed. The impact on the RCMP provincial policing establishment caused by the creation and expansion of the Highway Patrol can be traced as follows. By March of 1982 the RCMP had reduced its provincial policing establishment by ten patrol members leaving a total of 349 positions. In April of 1982 the R.C.M.P. expanded its establishment by eleven members in a move that was said to be unrelated to the creation or expansion of the Highway Patrol. In July of 1982, in order to accommodate the latest expansion of the Patrol, the RCMP provincial establishment was reduced by eight positions, leaving a total of 352 members. By the time the Highway Patrol had assumed full highway traffic law enforcement, RCMP strength was reduced by about 74 person years with an additional 16 person years realigned to other duties. In its role as the provincial police force for the province, the RCMP currently deploys 288 uniformed officers plus 54 civilian members for a total of 342. In addition, the RCMP provides municipal policing for twelve communities that have contracted with the Government of Canada

for the services of the RCMP (74 officers are so employed in 1988).

In light of the fact that a "cooperative" system of policing is now in place in the province of New Brunswick, it would be wise to describe the services provided by the RCMP in its provincial contract role and by the NBHP.

The RCMP as well as providing provincial policing in the (non-traffic) general law enforcement area, provides policing for unincorporated areas of the province and specialized services such as identification, commercial crime assistance and dog masters for serious criminal investigations for the entire province.

The NBHP provides dedicated traffic law enforcement throughout the province except for Grand Manan, Campobello and Deer Island. The Patrol is also responsible for commercial-vehicle law enforcement, including the monitoring of overweight and oversized vehicles and insecure loads, and recent legislation will require enforcement on the transportation of dangerous goods. The Patrol also provides policing for provincial parks during the summer and maintains a summer detachment at Parlee Beach to manage increases in tourist traffic.

The operation of what are, in effect, two police forces in the same geographical jurisdiction has given rise to what has previously been referred to as "cooperative policing". This means that although members of the New Brunswick Highway Patrol

are primarily responsible for traffic law enforcement, their status as peace officers requires them to act when they discover unlawful or criminal activity. These duties involve preliminary investigation, preservation of the scene and the turning over of the matter to either the municipal police or RCMP as soon as it is safe to do so. By contrast members of the RCMP may investigate accidents or violations of highway traffic laws and arrest violators when the RCMP is first on the scene, even though the Patrol has primary responsibility over highway traffic law enforcement and accident investigation but the RCMP may also hand over a traffic matter to the NBHP in a similar manner to the NBHP handing over a non-traffic investigation to the RCMP.

Administrative Structures

RCMP

Personnel

The line of accountability in the organizational structure of the Provincial establishment of the RCMP starts with the federal Solicitor-General through to the Commissioner to the Commanding Officer "J" Division. Under the commanding officer there are four distinct branches: Planning and Research, Administration and Personnel, Criminal Operations, and Financial Services and Supply.

The province is divided into 3 subdivisions or regions: Fredericton, Moncton and Bathurst.

The Fredericton Region is staffed with 112 uniformed members in the following 14 locations:

Grand Harbour	3	Minto	3
Perth-Andover	6	Chapman	3
Plaster Rock	4	Doaktown	4
Florenceville	7	Georgetown	3
Woodstock	6	Saint John	9
McAdam	2	St. George	4
Fredericton	52	St. Stephen	6

The Moncton Region is staffed with 98 uniformed members in the following 12 locations:

Newcastle	15	Port Elgin	4
Rogersville	3	Sackville	5
Richibacto	10	Petitcodiac	5
Buctouche	5	Hillsborough	5
Moncton	26	Sussex	6
Shediac	8	Hampton	6

The Bathurst Region is staffed with 78 uniformed members at the following 11 locations:[12]

Edmundston	6	Bathurst	19
St. Leonard	4	Caraquet	7
Grand Falls	5	Lameque	6
St. Quentin	3	Trocadie	7
Campbellton	9	Neguac	5
Jacquet River	7		

The total is 288 members at 37 units/detachments. Each region has its own Section NCO.

A comparison of the locations of the 16 NBHP detachments and the 37 RCMP units reveals a direct overlap of 9 locations. That is to say in the following 9 locations both the RCMP and NBHP have detachments:

	Uniformed members	
	RCMP	NBHP
Edmundston	6	8
Campbellton	9	5
Bathurst	19	7
Sussex	6	7
Perth-Andover	6	6
Fredericton	52	11

Doaktown	4	5
Saint John	9	7
St. Stephen	6	5
Total	117	61

It seems that one problem with the model of "cooperative policing" is this overlap of detachment locations. That problem is even further aggravated if there is a movement of existing NBHP detachment locations to more centrally located and suitable locations. For example, moving the NBHP Petitcodiac detachment to the more rational location of Berry Mills would bring it very near to the RCMP detachment at Moncton.

Buildings

The RCMP provincial establishment operates out of 39 detachments federally owned. A new "J" Division H.Q. building was completed in 1878/88 at a cost of 23 million dollars. A new Sub/Division building for Bathurst was completed in 1987 at cost of 1.7 million dollars. Land is in the process of being purchased for a Detachment at Westfield.

Telecommunications

The Information Branch of the RCMP administrative structure administers, controls and coordinates all aspects of telecommunications, computerized information and data processing systems utilized in support of the operation of "J" Division.

There are 51 Canadian Police Information Centre (CPIC) terminals installed at RCMP detachments and police departments throughout New Brunswick.

The RCMP estimates that they have $5 million worth of communication equipment.

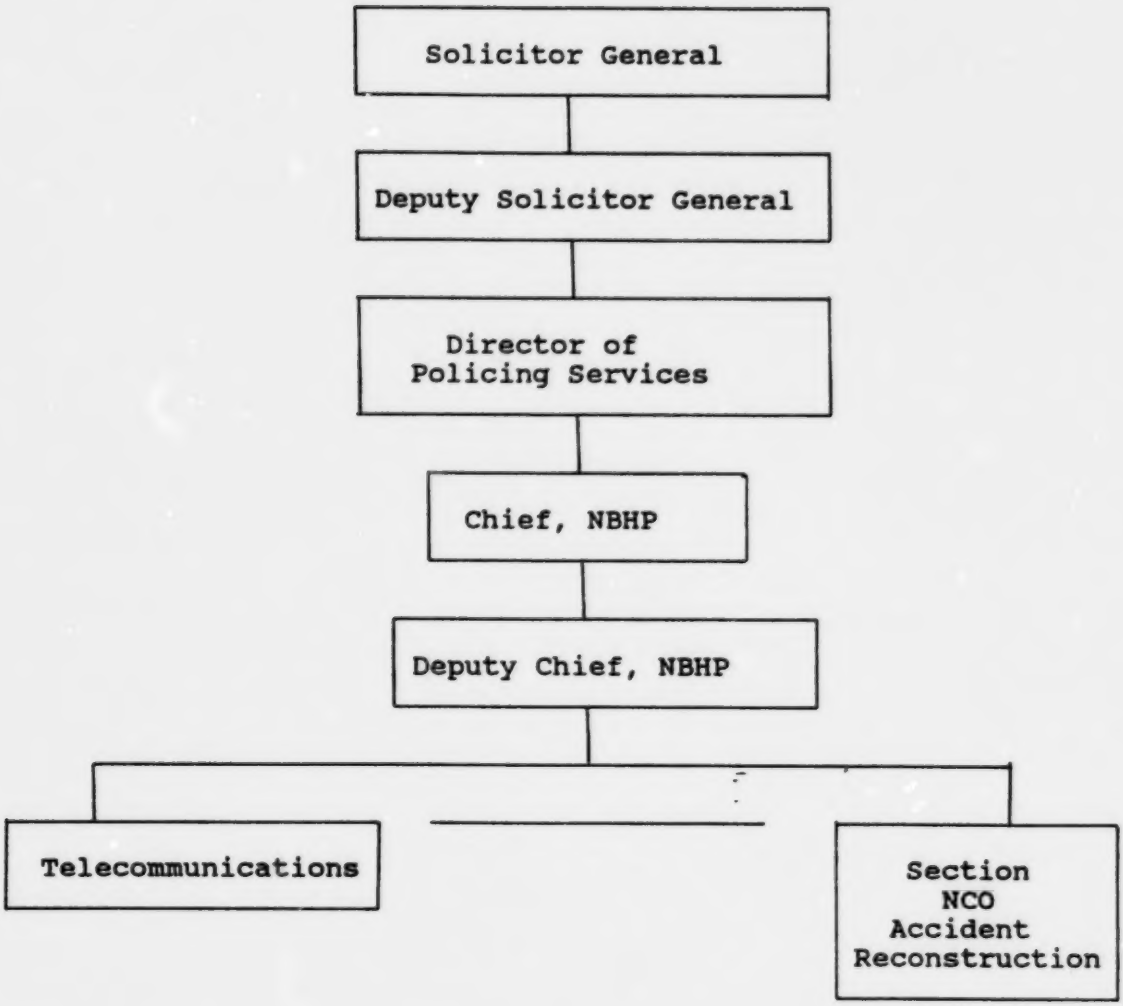
Vehicles

According to RCMP figures, there are 236 police vehicles currently deployed in the province. It seems that this figure includes vehicles deployed in the provincial, federal and municipal contract police functions spread among a total of 438 officers.

NBHP

Personnel

The organizational structure of the NBHP as reported in a briefing document prepared in April of 1988 by the Department of the Solicitor General shows the following line of accountability at the upper levels:



For administrative purposes the province is divided into two regions - North and South - with two section NCOs responsible for detachments in these geographical areas.

The northern and southern regions are divided into 8 detachments each with the following number of uniformed members:

NORTH		SOUTH	
Edmundston	8	Memramcook	7
Perth	6	Petitcodiac	7
Campbellton	5	Sussex	7
Kedgwick		Saint John	7
(Sub-detachment)	3	St. Stephen	5
Bathurst	7	Harvey	4
Shippagan	7	Fredericton	11
Douglastown	7	Somerville	7
St. Antoine	6		55
Doaktown	5		
	54		

Each detachment has a detachment commander and secretarial support. Five officers are stationed at Headquarters to bring the total to 114. There are 17 term positions created to help to alleviate overtime. It would appear from a more recent outline of the organization of the NBHP that a re-structuring has either taken place or is proposed to take place that would have the following effect. Instead of two regions, North and South, there would be three: North, Central and South. St. Antoine would cease to be a Northern detachment and would become a Southern detachment. Doaktown, previously a Northern detachment would

become a Central detachment. Harvey, Fredericton and Somerville would become Central detachments as well. This restructuring is reflected in the following chart:

North	Central	South
Edmundston	Doaktown	Memramcook
Perth-Andover	Somerville	Petitcodiac
Campbellton	Harvey	Sussex
Bathurst	Fredericton	Saint John
Shippagan		St. Stephen
Douglastown		St. Antoine
Kedgwick		

It would seem that the placement of detachment headquarters within each detachment should take into account the location of major highways and the volume of traffic. Also, distances to and from Court houses and other facilities should be factors in locating detachments. From an analysis of various sources the following observations can be made about certain existing detachment locations.

(a) Somerville - Not centrally located. The court house is in Woodstock, as is the location for servicing of vehicles.

(b) Petitcodiac - Berry Mills would be closer to courts, to vehicle servicing and to the City of Moncton.

(c) St. Antoine - Buctouche is more centrally located,

closer to main traffic areas, and would eliminate travel time to court.

(d) Campbellton - St. Quentin would be a better location i.e. a more centrally located site, for a sub-detachment than Kedgwick, because of the development of Route 180 into a major traffic artery.

(e) Shippagan - The headquarters location is remote from high-traffic areas and is subject to isolation in the winter.

(f) St. Stephen - The headquarters location is separated from the patrol area by high density urban traffic.

Buildings:

There are 13 provincially owned buildings in the NBHP detachment structure. They are located at Edmundston, Perth, Campbellton, Kedgwick, Shippagan, Douglastown, Bathurst, Doaktown, Memramcook, Sussex, St. Stephen, Fredericton and Somerville. Of these, five were purpose built. The building at Petitcodiac is rented while the detachments at St. Antoine, Saint John and Harvey use rented trailers.

Telecommunications

The Highway Patrol has a Telecommunications Centre that provides 24 hour service to detachment personnel and the general public. It is equipped with 2 Canadian Police Information Centre (CPIC) terminals. The Centre also has 2 motor vehicle terminals that give immediate access to vehicle registrations, driver's licence and driver history of all licenced/registered drivers in the province.

The province now has an Integrated Radio Communications System (IRCS). The microwave backbone system provides a means through which various government agencies may communicate province-wide. The Department of Transportation, the NBHP, the Department of Health and the RCMP are tied directly with the IRCS. The Emergency Measures Organization system is also available to all municipal fire and police departments in order to enable them to communicate with other government agencies.

The IRCS enables the NBHP to communicate with other agencies including the RCMP and the municipal police departments.
The Telecommunications Centre is presently staffed by eight full time and two part time civilian employees.
The following represents Radio Communications Equipment now in place at the NBHP and the depreciated value of it.[13]

	Depreciated Cost
1. 36 drop (VHF) repeaters	$100,000
Original cost - $7,000/unit	

2. Microwave link, Marysville - Fredericton Original cost $180,000	$61,000
3. 24 Microwave Circuits	$51,000
4. Communications Centre Equipment Original cost $225,000	$129,500
5. Mobile Radio Equipment 190 mobile radios 27 base stations 93 portable radios	$246,000
6. Dictaphone Recording Device and Uninterruptible Power Supply for Communications Centre Equipment.	$67,000
7. Temporary Link Equipment: 1985	$110,000
8. Radio Maintenance (yearly)	$58,200
9. Radio Communications Licenses (yearly)	$14,000

Summary: Items 1 - 7 = $764,500

Items 8 - 9 = $72,200/year

Calculations are based on 20% depreciation per year, with no inflation factor used.

Vehicles

The NBHP has a fleet of 107 vehicles, 23 of which are unmarked. The vehicles are equipped with emergency lights, sirens and loud hailers. To cope with accident situations, the vehicles are also equipped with first-aid kits, blankets, fire extinguishers, pry bars, towing chain, flares, safety triangles and safety vests. Eight of the vehicles are located at headquarters and the rest are dispersed among the 109 members at the 16 detachments. This results in a ratio of almost one car for each regular member.

The above summary provides a thumbs-nail sketch of the personnel, buildings, communications equipment and vehicles currently being used in New Brunswick to provide provincial policing by two separate organizations.

EVALUATION OF POLICE PERFORMANCE

General

It is notoriously difficult to measure police work since the police do not manufacture a tangible product but rather render a service to the public.[14] Even when statistics are resorted to such as crimes reported and cleared up, the number of accidents reported and the number of alleged offenders brought before the court, this does not and cannot measure the offences or accidents that have been prevented or the level of comfort felt by the public or the quality of assistance rendered to motorists or others who have sought police help. Preventive action is the most difficult aspect to evaluate since it is impossible to know whether the activity sought to be deterred has been completely prevented, diverted to another area or only temporarily delayed.[15] Because of these difficulties of measurement it is perhaps understandable that police activity tends to be diverted away from prevention towards enforcement where some tangible figures appear, even if their significance remains open to disparate interpretations.

In this context it may be useful to consider the raw numbers of fatal accidents in New Brunswick[16] since 1979 and the NBHP police personnel numbers:

YEAR	FATALITIES	NO. OF NBHP[17]
1979	260	0
1980	214	25
1981	188	27
1982	204	30
1983	122	56
1984	157	78
1985	142	113
1986	130	131 (114 full-time)
1987	151	131 (114 full-time)

Since the inception of the NBHP in 1980 it would be tempting to say that the creation on the NBHP has had the effect of reducing fatalities on the roads of New Brunswick. With the exception of 1982, 1984 and 1987, as more NBHP police personnel were deployed less fatal accidents occurred. It is not possible, however, to prove that the one phenomenon caused the other. During the same period the raw number of accidents occurring continued to rise (from 16,852 to 20,233) and the numbers of persons injured (from 5,475 to 6,854) did likewise. The drop in fatalities is as likely to have been caused by the increased use of seat belts by drivers and passengers as by increases in NBHP personnel. We just do not know.

Another difficulty on cause and effect occurs with the statistics on NBHP alcohol-related charges in recent years:-

Year	No. of charges	% change	
1983	975	--)	
1984	1368	40%)	
1985	2365	73%)	Increase
1986	2826	19%)	
1987	2361	16%	Decrease

Does the apparent "falling off" of police activity in 1987 following years of increases relate to less work being done by NBHP in administering breathalyser tests or have motorists in New Brunswick become more responsible about drinking and driving so that legitimate opportunities to demand such tests have reduced? Again, we just do not know.

In short, any choice in making changes to the policing arrangements of New Brunswick cannot be made on the basis of statistics on a particular phenomenon or a specific aspect of police activity.

The New Brunswick Experience

The Approach

Previous efforts have been made in New Brunswick to attempt a comparative evaluation between the RCMP and the NBHP, and it is appropriate to begin by identifying the methodological problems involved in such enterprises. The obvious goal of such a comparison is to evaluate the performance and activities of the NBHP against the RCMP who previously provided traffic law enforcement for the province. The first difficulty is linked directly with this goal. The goal requires a comparison of two police forces that have been responsible for the same geographic jurisdiction but over <u>different periods of time</u>. Variables such as climate conditions, road conditions and tourist traffic make it difficult to establish measures of control. The only constant is the geographic area.[18] But even the constant geographic area poses its own problems. Because the NBHP assumed highway patrol functions gradually over a six year period, the <u>entire</u> province cannot be studied until 1986-87. Therefore there will be a difference of at least seven years in comparing various RCMP and NBHP data.

Another major issue involved in carrying out the comparison, is the identification of possible data bases available and whether or not they are compatible. In addition to identifying the bases there is the question of what the comparison of data will reveal. Will the outcome indeed measure police effectiveness? It is said that a review of the data bases reveals that most of the reporting systems of both the RCMP and NBHP focus on measuring caseload (# of charges, warnings,

accidents). As a measure of police effectiveness however, caseload data comparisons are weak and methodologically uncertain as to what the differences mean. For example, caseload data relies heavily on occurrence reports, but research reveals that actual charging of accused persons accounts for only about 15% of an officer's time.[19] In addition, caseload measures do not and cannot account for the role of preventive enforcement.

In addition to the caseload statistical system, a manhours reporting system is another means of measuring workload. Activities such as hours spent on patrol, investigation, detection and administration are accounted for in this system. Whatever data bases are used as a means of comparing the RCMP and the NBHP it seems clear that a policy decision needs to be reached with respect to what will be used as effectiveness measures, recognizing that methodological limitations do exist.

The Statistical Picture

With respect to evaluation of the performance of the NBHP perhaps the best place to start is at the beginning with two reports done in 1981. The first, prepared in January 1981 by Charles Deschenes of the Research and Planning Division of the Department of Justice, focuses on developing an evaluation design that would ultimately facilitate a comparison between the NBHP and the RCMP. Deschenes usefully identifies the key steps in developing an evaluation design as follows:

1. Identifying police objectives (e.g. maintaining

peace and good order, enforcing laws).

2. Defining specific goals within each objective.
3. Identifying measures and indicators to determine to what degree each of these goals is being met. The dimensions of police activity that are normally measured are productivity (efficiency) and effectiveness.
4. Establishment of standards of comparison.
5. Development of data collection tools.

Deschenes identifies five areas related to an evaluation of police performance. These and crime prevention, crime control, social unrest (minimizing disorder on the highways and insuring their normal use), general services and administration (integrity and competence, coordination with other agencies, cooperative planning). In terms of crime prevention, Deschenes suggests comparing the number of accidents involving death, injury or property damage related to a specific offence with the number of charges for that offence, thus arriving at a figure representing the proportion of accidents to arrests. This assumes of course, that there is a direct cause and effect relationship between the occurrence of certain offences and accidents.

The second evaluation done in 1981 was prepared by Don Winterton Inc. in December of that year. This evaluation was completed after only 22 months of the existence of the NBHP and therefore the statistical information was necessarily limited and quite uninformative. For example, the following represents the

data available at the time with respect to accident statistics in the area then patrolled by the NBHP:

	# of Fatal Accidents	# of Fatalities	# of NBHP
1979	21	33	0
1980	16	21	25
1981 (to Oct. 31/81)	12	13	27

According to the evaluation, personal injury accidents were not reduced and a lack of selective enforcement by the NBHP is cited as a possible explanation.

A Time Study on the NBHP was completed in 1986 by the Research and Planning Division of the Department of Justice. The study was conducted over a six month period from July to December 1986. Actual collection of data occurred during August of 1986. All members of the Patrol excluding the Acting Chief, participated in the Study. (108 regular members and 17 term-employees).

Of special interest were the figures for the % of total hours spent by activity for the NBHP regular members:[20]

Patrol	55.2%
Accident Investigation	10%
Administration	8.7%
Investigation of Complaints	5.6%
Meals	7.7%
Breathalyzer/Alert	4.1%
Enforcement Court	1.5%
Weights & Measures	1.7%
Special events	1.1%
Miscellaneous	3.4%
Escorts/Police - Community Relations	1.0%

Compare these figures with the claim of the NBPEA that the NBHP "has been able to expend 96% of its manpower on the actual patrolling of roads and related motor vehicle enforcement activity."[21] (One assumes that this statement must mean that the NBHP spends 96% of its patrol time actually patrolling.) This figure is juxtaposed with the claim by NBPEA that the RCMP Highway Division, by its own admission, was only able to expend 55% of its man-years on Highway Patrol duties. It seems trite to observe that one expects that a police force whose mandate is to patrol the highways and enforce motor vehicle laws would in fact spend most if not all of its working time doing precisely that. Note also that RCMP has general duty members who can be called upon for assistance. The NBHP does not.

Another highlight of the time study is its analysis of overtime. The statistics for August of 1986 reveal that regular members of the patrol worked 2295 overtime hours or 12.4% of their total hours worked. Each regular member worked an average of 22 overtime hours for the month. Provincially 57% of all the

overtime worked by regular members was on the night shift. In 1985/86 12% of the total expenditures of the NBHP was for payment of overtime for regular and casual personnel. If expenditures for the employment of casual personnel hired to alleviate the overtime costs are included then the combined figure represents about 20% of the NBHP expenditures for 85/86. It seems clear that a significant amount of overtime was being worked by members of the NBHP in order to maintain adequate levels of service.

An operational review of the Policies and Procedures of the NBHP done in 1984 by George Reid re-iterates the situation with respect to overtime. Reid cites staff shortages and statutory pay policy as the main factors responsible for the overtime phenomenon. Reid also cites the negative aspects of overtime: back-to-back shifts produce overworked members and increase the chances of accidents and ineffective traffic law enforcement.

An organizational study done in April 1987 by Management and Systems Development, Board of Management for the Department of Justice concluded that despite having province-wide figures available with respect to trends in traffic accidents, injuries and deaths since 1960, it was not possible to yet identify the impact of the NBHP either on accident rates or on their severity.[22] However, the following findings in the Study seem apposite to any attempt to evaluate the performance of the NBHP.

(a) Overtime 1986 NBHP

93 Regular Members

	Hours		Expense
Regular Paid Hours -	203,113		$2,122,549
Overtime - regular pay	364	)	
Time & one half	22,031	)	
Double time & one half	9,967	)	$ 846,434
Shift premium	8,992	)	
Stand-by	7,701	)	

Term Employees

Regular paid members	92,331		$838,369
Overtime - regular pay	___		
Time & one-half	41	)	
Double time & one-half	84	)	$13,296
Shift premium	191	)	
Stand-by	570	)	

More recent figures reveal that in 1987/88 NBHP personnel worked 64 person years of overtime.[23] The NBHP experience with respect to overtime reveals that a substantial amount of overtime is being worked by all members of the Patrol in order to maintain the minimum level of service to the public on the highways. The current staff complement obviously is not sufficient to provide that minimum coverage on a consistent basis. Not only do regular members often work overtime but so do the casual employees who

were originally hired to alleviate the overtime worked by regular members. This seems to be both a costly and inefficient means of providing highway patrolling for the Province.

(b) RCMP Assistance to NBHP

In 1985, the RCMP assisted NBHP 1102 times with respect to accidents, Criminal Code prosecutions and Motor Vehicle Act prosecutions.

The RCMP handled 1254 accidents, Criminal Code prosecutions and Motor Vehicle Act prosecutions by themselves in 1985. The figures for 1986 show similar trends with respect to RCMP assistance to the NBHP.

(c) Trends

The Organizational Study provides a series of graphs showing trends in traffic flow, injuries and fatalities for Canada, New Brunswick and the rest of the Atlantic region from 1975-1985.[24] All trends seem to indicate that throughout this 10 year period, New Brunswick has roughly mirrored national and regional trends, both pre-NBHP and post-NBHP. Therefore, there seems little in the statistics that compels one to conclude that the NBHP has impacted positively or negatively on the situation in New Brunswick. It seems a safe inference that all of the trends, national,regional and in New Brunswick, have been influenced by a national rather than a local phenomenon.

National Statistics [25]

A total of 239,100 Criminal Code traffic offences were recorded by the police in Canada in 1986. This represents a 2.8% decline over 1985 and a 10.5% drop over 1982. Impaired driving offences accounted for almost 2/3 of all Criminal Code traffic offences. The Uniform Crime Reporting Service gathers statistics on three Provincial Statute offences: failing to stop or remain at the scene of an accident, dangerous driving and driving while disqualified. These offences numbered about 161,500 in 1986, an increase of 2% over 1985 but virtually equal to the 1982 figure.

Over a five year period, 1982-86, the number of people charged with impaired driving offences in Canada decreased by 10.2%. This downward trend was not constant for all the provinces. New Brunswick, Quebec, Manitoba, and Yukon Territory showed increases between 1985 and 1986. The overall rate of impaired driving in Canada in 1986 was 65/10,000 population 16 years of age and older. The highest rates were in Yukon and N.W.T., followed by Alberta, Saskatchewan, PEI and New Brunswick. The lowest rates were from Quebec and Ontario.

Persons Charged with Impaired Driving 1982-1986

	1982	1983	1984	1985	1986	% Change 82-86
Nfld	3194	3298	2887	2909	2550	-20.2
PEI	1123	1370	1302	1171	934	-16.8
N.S.	6571	6240	5609	5455	5012	-25.7
N.B.	4363	4857	4606	4855	5268	+20.7
Queb.	22964	24738	21543	22266	25184	+ 9.7
Ont.	44383	43882	46045	40424	38994	-12.1
Manitoba	6139	6961	6206	6542	7547	+22.9
Sask.	10214	10476	9637	8048	8079	-20.9
Alta.	22545	24178	24907	21867	19889	-11.8
B.C.	20926	20617	18194	16913	14381	-31.3
Yukon	397	457	545	494	426	+ 7.3
N.W.T.	605	619	619	602	573	-11.9

Traffic Offences 1986

	Criminal Code	Rate (per 10,000 over 16 yrs of age)	Provincial Statute	Rate	Total
Nfld.	4063	97	984	24	5047
PEI	1543	161	374	39	1917
N.S.	6453	95	3225	48	9678
N.B.	6266	115	2419	44	8685
P.Q.	58749	113	21692	42	80441
Ont.	70049	98	53804	75	123853
Man.	9165	112	11333	138	0498
Sask.	15259	202	7845	104	23104
Alta.	33246	186	30207	169	63453
B.C.	32904	145	35138	155	68042
Yukon	629	386	223	137	852
N.W.T.	774	230	291	86	1065
CANADA	237,100	121	167,535	85	406,635

What these national statistics and the national trends with respect to traffic injuries, deaths and traffic flow seem to indicate is that there is no basis for reaching a conclusion that the NBHP, since it replaced the RCMP, has significantly changed

the landscape of New Brunswick highway law enforcement. There is, granted, little data available from the time that the RCMP had highway patrol functions but what of it there is, shows once again a conformity, to national and regional trends. All of this would seem to point to the conclusion that a comparative evaluation between the RCMP and NBHP, laden with the methodological problems inherent in such a study, does not demonstrate that the NBHP has been the major force influencing highway law enforcement statistics in the province of New Brunswick. It should be noted that this is a conclusion that I have reached after having a limited amount of time to study the voluminous materials with which I have been provided and other selected materials. Interestingly enough, in the eight years since the creation of the NBHP no study has been able to identify with any greater certainty the impact of the NBHP on traffic law enforcement or how it has fared in comparison with the RCMP.

CONSIDERATION OF THE SERVICE PROVIDED AND THE COSTS INVOLVED

NBHP

I. Quality of Service

A. Personnel

The New Brunswick Highway Patrol operates out of 16 detachments and one sub-detachment in the province with a total uniformed strength of 131 officers and 47 support staff. A standard of 20 hours of patrol coverage seven days a week with at least one officer on patrol per geographic area during the daylight hours is the minimum level of coverage aimed at.[26] The basic patrol hours are 0700 to 0300 and 1700 - 0300. Members remain on-call after the night shift is completed until the day shift goes on duty. The schedules used at each detachment relate directly to the number of personnel stationed there. Five schedules are used: 4, 5, 6, 7 and 8 member rotations adjusted to a forty hour week. The following represents the deployment of the five schedules at each of the detachments:

4 member	5 member	6 member	7 member	8 member
St. Stephen	Harvey	Somerville	Edmundston	Fredericton
Doaktown	St. Antoine	Bathurst		
Kedgwick (Sub-detachment)	Perth-Andover	Shippagan		
	Campbellton	Petitcodiac		
		Memramcook		
		Saint John		
		Sussex		
		Douglastown		

The method of patrolling depends, among other things, on the size of the detachment to be serviced. Larger detachments for example, are "zone" patrolled.[27] The patrol schedules do not reflect absences due to illness or due to attendance at training courses. Those vacancies are either not filled or filled by members working overtime.[28]

B. Proposed Expansion

In order to patrol the province in a way that would ensure that the minimum standards are maintained, the NBHP has identified a need for expansion of the force. The following five year chart reflects that projected need for expansion.[29]

	Regular	Civilian	Total
1988-89	+30	+6	36
1989-90	+13	+3	16
1990-91	+9	—	9
1991-92	+2	—	2
1992-93	+1	—	1
	55	9	64

This would bring the total uniformed strength of the NBHP to 186 with most of the expansion occurring in the first two years - 1988/89 and 1989/90.

C. Vehicles

The NBHP has a total of 107 vehicles at its disposal to provide patrol coverage for the province. An analysis of the schedules is said to reveal that as few as 17 patrol cars are on

the highways during the day to as many as 45 during a Friday or Saturday night.[30] As well, an additional 27 vehicles are available for use: 16 detachment commanders, 5 commercial vehicle control unit members, 1 commercial vehicle control supervisor, 2 accident reconstructionists, and 3 section NCOs.

II. Costs

A. At Present Strength

The 1987/88 budget for the NBHP was $9,651,533. This figure includes (a) the costs for public service staff and (b) cost for pension benefits, phones, administration, maintenance and occupancy costs from other programs and departments. The items listed in (b) were costed at $813,133 for 1987/88.[31] The NBHP submits the following five year projection of costs based on a complement of 178 members:

	Highway Patrol		Commercial Vehicle	Total
88-89	$8,982,900	+	$289,800 [32]	$9,272,700
89-90	$9,450,700	+	$297,400	$9,748,100
90-91	$9,934,700	+	$313,000	$10,247,700
91-92	$10,447,900	+	$462,800	$10,910,700
92-93	$10,989,900	+	$557,000	$11,546,900

With respect to the commercial vehicle enforcement figures, the Department of Transportation cites a proposal to increase mobile crews from 5 to 12 meaning a total cost of $845,000 in 88/89 dollars for that year. These costs would rise by normal inflation of about 5% annually. There seems to be a discrepancy between the NBHP budget for 1987/88 and the projected NBHP budget for 1988/89. The 1988/89 figures are about $378,833 less than

the 1987/88 budget. One way of accounting for this difference is to interpret the projected figures to include only operational costs. In other words, they may not include the costs for pension benefits, phones, administration, maintenance and occupancy costs. At a minimum, if the costs for these items for 1987/88 were added to the projected 1988/89 figure, the total would be $10,085,833.

B. Costs with expansion

The following represents the projected costs for a five year period starting in 1988/89 with the corresponding additions of personnel suggested by the NBHP taken into account:

	Highway Patrol		Commercial Vehicle	Total
88-89	$9,101,500	+	$289,800	$9,391,300
89-90	$10,139,100	+	$297,400	$10,436,500
90-91	$11,202,400	+	$313,000	$11,515,400
91-92	$11,741,200	+	$462,800	$12,204,000
92-93	$12,407,300	+	$557,000	$12,964,300

Again the 1988/89 figure is lower than the budget for 1987/88. If the same adjustment is made on the assumption that costs for pensions, telephones etc... are not included the 1988/89 figure would be $10,204,433.

In considering the cost figures, one should also note that the NBHP generated a revenue of $2,282,329.83 for the year 1987.

RCMP

I. Quality of Service

A. Personnel

The RCMP, if it were to take over highway patrol functions, would operate out of 33 detachments/units with a uniformed strength of 128 regular members and 27 civilian members for a total of 155.[33] In reaching this figure the RCMP employed two formulas, which together take into account average daily traffic counts, annual average kilometres travelled and collision statistics. The RCMP suggests that it will meet the current NBHP standard of patrol coverage although perhaps not at each of its 33 units. Specifically it offers a program of selective enforcement. That is to say, though an analysis of accidents, traffic flow and enforcement trends, the RCMP will determine what the minimum hours of traffic law enforcement should be per day per patrol area.[34]

B. Vehicles

The determination of vehicle requirements would be based primarily on the number of members at each location. The following represents the RCMP ratio for vehicle placement:[35]

Personnel	Vehicles
1-2	1
3-4	2
5-7	3
8-10	4
11-13	5
14-16	6
> 16	Add 1 vehicle/4 regular members.

Based on this ratio, the RCMP forecasts that it will require 68

vehicles at its 33 locations, including 4 vehicles for 2 Section NCOs, 2 identification members, and a traffic supervisor.

II. Costs

The RCMP projects the following costs for highway patrol functions over a three year period starting in 1988/89:[36]

128 Regular Members & 9 Civilian Members	
1988/89	$10,100,000
1989/90	$10,100,000
1990/91	$10,100,000

In addition it should be noted that the RCMP estimates that there will be a one time cost for re-training and transfer expenses of between one and two million dollars.

Assuming that the existing cost sharing arrangements between the federal and provincial governments would apply, the breakdown of costs would be as follows:

	Federal		Provincial	Total
1988/89	34% $3,434,000	66%	$6,666,000	$10,100,000
1989/90	32% $3,232,000	68%	$6,868,000	$10,100,000
1990/91	30% $3,030,000	70%	$7,070,000	$10,100,000

These figures do not reflect (a) the cost of 18 public servant positions (b) the cost of a commercial vehicle enforcement

programme that will have to be set up at the Department of Transportation for the following services: weights enforcement, the operation of mobile scales, escorting of wide loads and trucking regulations (The RCMP will, as part of its highway patrol function, enforce ovrsized loads, insecure loads and dangerous goods) (c) inflation and (d) increases in personnel or expansion of services over the projected period.

To deal with item (d) would be purely speculative, but some attempt can be made to factor in the costs for items (a) through (c).

(i) Costs with 18 Public Servants[37]

	128 RMs + 9 CMs	+ 18 Public Servants	Total
1988/89	$10,100,000	$419,760	$10,519,760
1989/90	$10,100,000	$419,760	$10,519,760
1990/91	$10,100,000	$ 419,760	$10,519,760

The RCMP does not at present have the 18 public servant person-years for administrative support required to assume highway patrol duties in New Brunswick.

(ii) 5% Inflation Factored In (Assuming 88/89 figures are in that year's dollars)

	Total
1988/89	$10,519,760
1989/90	$11,045,748
1990/91	$11,598,035

If 88/89 figures are not in 88/89 dollars, the costs will look as follows:

1988/89	$11,045,748
1989/90	$11,598,035
1990/91	$12,177,936

(iii) Costs with 18 Public Servant Positions, Inflation and a Commercial Vehicle Enforcement Programme (Solely a Provincial cost)[38]

	155 Positions	+	Commercial Vehicle	Total
1988/89	$10,519,760		$89,800	$10,809,560
	or ($11,045,748)			($11,335,548)
1989/90	$11,045,748		$297,400	$11,343,148
	or ($11,598,035)			($11,895,435)
1990/91	$11,598,035		$313,000	$11,911,035
	or ($12,177,936)			($12,490,936)

(iv) Using existing cost-sharing arrangements the following would be the revised breakdown of costs (with Commercial Vehicle Enforcement costed to the Province at 100%.)

Year	155 Positions		Commercial Vehicle	Total Federal and Provincial
1988/89	F (34%) $3,576,718.4			$3,576,718.4
	P (66%) $6,943,041.6	+	289,800	$7,232,841.6
1989/90	F (32%) $3,534,639.3			$3,534,639.3
	P (68%) $7,511,108.6	+	297,400	$7,808,508.6
1990/91	F (30%) $3,479,410.5			$3,479,410.5
	P (70%) $8,118,624.5	+	313,000	$8,431,624.5

OR

Year	155 Positions		Commercial Vehicle	Total Federal and Provincial
88/89	F (34%) $3,755,554.3 P (66%) $7,290,193.6	+	$289,800	$3,755,554.3 $7,579,993.6
89/90	F (32%) $3,711,371.2 P (68%) $7,886,663.8	+	$297,400	$3,711,371.2 $8,184,063.8
90/91	F (30%) $3,653,380.8 P (70%) $8,524,555.2	+	$313,000	$3,653,380.8 $8,837,555.2

It seems that a comparison of costs between the NBHP and the RCMP reveals that because of the cost-sharing arrangements, the RCMP is a cheaper/more cost efficient alternative for the province.

Even if one takes the lowest figure submitted by the NBHP for 1988/89 - $9,272,700 (not including non-operational costs) and the highest Provincial share under RCMP figures for 1988-89 - $7,579,993.6 - the difference is still $1,692,706.4. (If non-operational costs are included for the NBHP at 1987/88 levels the difference is $2,505,840). Apposite to this are the figures arrived at by the Department of the Solicitor-General in their February 1988 Discussion Paper. On their preliminary analysis, the potential savings to the province (in 1989/90) if the NBHP were disbanded would be $2,448,199 assuming the RCMP would provide traffic law enforcement with an additional 100 officers, and that Commercial Vehicle Law enforcement would cost the

province $1,200,000. By way of a summary the various costing figures and analysis produce the following results:

1987/88 Figures

RCMP Provincial Budget	$25,808,976
Cost to Province at 64%	$16,517,744
+	
NBHP Budget	$ 9,651,533
Total cost to Province 1987/88	$26,169,277

Looking to 1988/89

A. Present Model of "Cooperative Policing"

Add 5% inflation to 1987/88 RCMP Provincial Budget	$27,099,424
Cost to Province at 66%	$17,885,619
+	
Projected NBHP Budget (NBHP 88/89 figure + 87/88 level of non-opratioinal costs)	$10,085,833
Total Cost to Province	$27,971,452

B. RCMP Model (No NBHP)

Cost to Province for Provincial Policing	$17,885,619
+	
Cost to Province for RCMP Highway Patrol function	$ 7,579,993.6
Total Cost to Province	$25,465,612.6

The net saving to the Province in 1988/89 would be $2,505,839.4.

Compare this projected savings with the Discussion Paper prepared

by the Department of the Solicitor General which projects the following for 1989/90:

A. Present Model of "Cooperative Policing"

Cost to Province $27,869,882

B. RCMP Model (No NBHP)

Cost to Province $25,421,683

These figures reflect a saving to the Province of $2,448,199 in 1989/90. It seems that this figure and the one arrived at in this study are in general agreement. Clearly one of the key factors accounting for this difference in costs is the cost-sharing arrangements between the federal and provincial governments. Without such arrangements the RCMP costs for highway patrol functions would exceed those of the NBHP.

COMMENTARY ON THE CURRENT SITUATION

Organization

The Constitutional role of the Chief of Police

> "Although the chief officers of police are answerable to the law, there are many fields in which they have a discretion with which the law will not interfere. ... it is for [the Chief] to decide in any particular case whether enquiries should be pursued, or whether an arrest should be made or a prosecution brought. It must be for him to decide on the disposition of his force and the concentration of his resources in any particular crime or area. No court can or should give him direction on such a matter."
>
> R v Commissioner of Police of the Metropolis ex parte Blackburn (No. 2) [1968] 1 All E.R. 763 at 769 per Lord Denning M.R.

The extent to which this English common law approach to the nature of the "independence" of the Chief of Police applies in Canada has been questioned, particularly on the ground that provincial statute law in Canada often creates a relationship between a municipal police governing body and the Chief of Police which is quite different from that prevailing under the equivalent legislation in England.[39] Another theory holds that

the police, in performing these above-stated statutory and common law duties are not subject to the direction and control of their municipal police governing bodies but to the provincial authorities who have responsibility for the administration of justice which includes law enforcement in the province. i.e. to the Minister of Justice, Attorney General or Solicitor General of the Province in question.[40] The latter view opens up a strong possibility for both legitimate and illegitimate political interference with police decision-making at the provincial level.

Law and fact distinguished

It is clear that tactically and strategically it is easier for a Chief Superintendent of "J" Division RCMP to resist such interventions than it is for a Chief of the Highway Patrol. The former holds a federal appointment under the RCMP Act and is dependent for his career path and security of tenure on how his activities are viewed by the Commissioner of the RCMP. Action by a Chief Superintendent "J", which offends provincial authorities and may lead to a request for his removal from the province, may still be viewed in Ottawa as conduct undertaken in the perfectly proper discharge of his statutory or common law policing obligations. His future in New Brunswick may be at an end but his future in the RCMP may be unimpeded, perhaps (where the Commissioner and the provincial authorities disagree in the legitimacy of the intervention) even enhanced. The Chief of the Highway Patrol, by comparison, is much less secure. If he

offends provincial authorities who control his career prospects and job security he has no "lifeline" to which to cling, no alternative career pattern to pursue within the organization. Objections to the placement of facilities in a location that makes no operational sense or non-bona fide personnel decisions on hiring support staff with which he properly disagrees (to take hypothetical examples) can be effectively sanctioned by declining to grant him a salary increase or by withholding promised expansion of necessary resources to his operations.

The result of the factual differences

In consequence of the above, while the legal position of a Chief of Police may be more or less autonomous depending on one's view of the muddy constitutional waters on the independence of a Chief of Police, it is, in my view, very clear that strategically and tactically a Chief Superintendent, RCMP in "J" division has more de facto independence than a Chief of the Highway Patrol can ever have. If this results in resistance to bona fide provincial in-put it creates a problem which can be dealt with by transfer but where it insulates the Chief Superintendent from improper interference, it is a positive boon to the public interest in having the benefit of impartial, effective and cost-efficient law enforcement.

Ministerial Access

As a matter of practice the Chief Superintendent, "J" Division has direct access to the Minister of Justice and the Solicitor General. This is formalized in a monthly "Justice" meeting. The Chief of the Highway Patrol has never been invited to this meeting or, if the objection is that this is intended purely for RCMP liaison purposes, to an equivalent regular ministerial contact. The Director of Policing Services does, however, attend the monthly "Justice" meeting and it might be argued that, since the Chief of the Highway Patrol reports to the Director of Policing Services, the presence of the latter somehow ensures a Highway Patrol presence at the policy-review level. Even if this is so, the situation again illustrates the relative difference of treatment of the parties in "cooperative" provincial policing. One partner has the independence of direct Ministerial contact, the other simply reports to an official who, in turn, has such direct ministerial contact.

"Cooperative" Liaison at the top and planning

The practical isolation of the Chief of the Highway Patrol continues in the fact that no regular meetings have ever been structured between the Chief Superintendent "J" Division and the Chief of the Highway Patrol. In the Province of New Brunswick "cooperative policing" does not appear to be very cooperative at the highest level in the partnership. That de facto cooperation

has occurred at the street level between the RCMP and NBHP is a tribute to the common sense and flexibility of the front-line troops. They, however, cannot jointly plan for a coordinated approach to a natural disaster affecting the highways or to a demonstration involving a blockade of the highway. Only their leaders can do that and they have not done so as a team.

The Role of the Director of Policing Services

In my view this particular problem has been exacerbated by the lack of a clear job description for the Director of Policing Services whose duties and responsibilities should be clearly defined and communicated, in writing, to all police chiefs in the province. The absence of a clear sense of the role of the Director of Policing Services in the liaison and planning function may well be a major cause in having reduced structural cooperation between the two arms of province-wide policing services.

Planning

The planning function and NBHP

The NBHP has no expressly articulated goals and objectives nor any planned means for developing a battery of strategies to achieve those objectives. As a result there is no built-in system for evaluating how successful they have been in meeting their objectives. Most of the policy activity has been taken up with producing a procedural manual and working towards the

production of a still incomplete administrative manual. All of the early efforts were understandably concentrated upon putting highway patrol members on the road where they could be seen. Visibility was obviously the primary consideration in the early days and continues to be an important aspect of what the Highway Patrol is seeking to achieve. But as the numbers of officers increased, particularly when the decision was made to go to province-wide coverage, the crying need for supervisory and support structures became obvious. These could only be achieved by reducing patrol strength and hence what follows is a competition for resources between the supervisory support structures and the front-line oprations.[41] In short, one cannot simply get rid of 90 RCMP and have 90 Highway Patrolmen on the roads.

RCMP Resources

In this sense, the setting up of the Highway Patrol could never be "sold" to the public as a cheaper form of policing than the RCMP. The latter already had a massive national infrastructure available and an unsurpassed resource of knowledge and experience in planning and analysis capability. To even start to build an equivalent resource at the provincial level was an awesome undertaking which, not surprisingly, has not even begun to be achieved. The Chief of the Highway Patrol has very few planning and research resources upon which to call. The Chief Superintendent RCMP is backed by the largest professional

police operation in the country. If this was ever seen, idealistically, as a David and Goliath situation, it was not, in reality, a contest that David could win.

NBHP Policy, research and planning needs

If NBHP is to be continued it needs a significant injection of resources at the headquarters level to produce a policy, research and planning capability which is, at present, largely non-existent. e.g. the much-vaunted NBHP minimum standard of coverage[42] aimed at producing high-visibility was not developed from any statistical base or other analysis. It was imposed as a standard and is probably only achieved about 50% of the time.

Services

General

It is clear that no active liaison at the policy and planning stage occurs between the Chief Superintendent 'J' Division and the Chief of the Highway Patrol. Even if it did, it is hard to believe that the smoothest running liaison system can be as good at providing service to the public as an integrated province-wide police service including a traffic-enforcement aspect.

Commercial Vehicle Enforcement

This leads to a very important aspect of the separation-integration question. Certain aspects of commercial vehicle

enforcement would not be undertaken by the RCMP in the event that the government were to decide to return the highway patrol function to the RCMP. This relates to the weights and measure and related functions currently done by members of the NBHP. The RCMP will enforce the law on dangerous and insecure loads and, when proclaimed, the legislation on the transportation of dangerous goods.

It is clear that the combination of the continued drift of carriage of goods from rail to road combined with deregulation of road transportation will mean that New Brunswick, like all other provinces, faces the prospect of having to make additional provision for commercial vehicle enforcement on an escalating scale in the immediate and foreseeable future. It was even suggested that the fixed weigh-scale operations of the Department of Transportation should be taken into the NBHP commercial vehicle enforcement section as a further integration and rationalization of traffic-related services. The reverse argument can, however, be mounted that the mobile weigh-scale operation and its related functions should be re-integrated with the stationary weigh-scale operations under the supervision of the Department of Transportation.

It is evident that any increased expenditures in the Department of Transportation on commercial vehicle enforcement will have been caused by increasing road use by commercial transporters and not because of any transfer of highway duties to the RCMP since, even if the NBHP is retained, it is commonly

accepted that the commercial vehicle enforcement capability must be strengthened considerably. Indeed, to the extent that the RCMP would enforce laws on insecure loads and transportation of dangerous goods, the sum total of provincial commercial vehicle enforcement would be greater if RCMP has the highway patrol function than if it does not.

Financing

One of the hardest aspects of costing to tie-down with any certainty is the extent to which all support costs are fully reflected in the figures presented by NBHP and RCMP. On the one hand it has been suggested by some and denied by others that the recently occupied $23 million "J" Division Headquarters building is not fully reflected in RCMP provincial policing costs. On the other hand similar suggestions and denials are made concerning buildings, equipment and services supplied to NBHP by the Department of Transportation, the Department of Supply and Services and Personnel Services. It is beyond the scope of this report to engage in an investigation of federal and provincial accounting practices or inter-departmental recovery procedures at both levels of government. The cost, delay and probable inconclusiveness of any such an investigation would not likely be repaid by changing the outcome of the present inquiry. e.g. different practices and procedures between federal and provincial officials might well balance each other out. As a result, figures have been accepted as given subject only to the comments

and qualifications in respect of them that expressly appear in this report.

A major unknown factor is the cost-sharing formula which will be negotiated between the federal and provincial governments for provincial policing services supplied by the RCMP after April 1, 1991. Raw costs of RCMP policing are higher than current raw costs for NBHP but the current cost-sharing formula has the federal government paying 34%, 32% and 30% of those costs in 1988-89, 1989-90 and 1990-91 respectively. If the same provisions apply to an extended contract to include the highway patrol function, it does not appear to be possible for NBHP to compete prior to 1991. If a 70/30: Provincial/federal differential continues into the decade after 1991, RCMP contracting will remain financially attractive to the Province. The federal contribution could drop considerably before NBHP would be a financially sound option, even if the service component were to equal that of the RCMP, which because of lack of infrastructure and liaison problems it probably does not.

It has been forcefully suggested from several sources that, as New Brunswickers pay both federal and provincial taxes, it does not matter which pocket policing costs come out of - they are all paid, in the end, by New Brunswickers. This argument is just not correct. Obviously, all eligible Canadians pay federal taxes and the percentage of those taxes collected in New Brunswick is, compared to the country as a whole, very small. The New Brunswick portion is paid by New Brunswick, the federal

portion is paid by all Canadians. Therefore a policing contract paid, in part, by Canada is a real advantage to New Brunswick taxpayers because they have the help of all other Canadian taxpayers in meeting the federal portion of the cost. Canada can justify paying a proportion of the provincial contract on the basis that the officers engaged on provincial services will inevitably do some federal work.

Personnel

Police

The salaries of NBHP members are said to be lower than either those of the RCMP or New Brunswick municipal police forces. As a result it is said to be difficult to recruit and retain suitable candidates for NBHP which has a high personnel turn-over rate of 25%. Even if the highest turn-over rate is among employees on fixed-term contracts of short duration, this still represents a formidable turn-over rate which works against the building of a stable work-force and the acquisition of professional know-how and experience. Turn-over in the RCMP by comparison is closer to 2%.

If the NBHP is to be retained it will be necessary to re-evaluate remuneration levels and bring them broadly in line with those prevailing in police work generally. This will involve a provincial commitment to professionalization of the NBHP which is said by some to have been lacking since the inception of the patrol. Others believe that the Province is just not used to

bargaining with police officers who perceive the Province as being unable to distinguish the special terms and conditions suitable to police employment from terms and conditions being applied to their regular provincial civil servants. Any corrections to these perceived shortfalls in NBHP remuneration scales can only be reflected in higher costs for maintaining an effective NBHP.

In the event that the Government decided to return highway duties to the RCMP there will be an opportunity for NBHP personnel to become RCMP members with the better conditions of service and higher salary which this will entail. The possibility of being transferred out of New Brunswick can be handled by a recognition by RCMP that former NBHP members may serve only in New Brunswick unless the member opts otherwise. Advantages and disadvantages to career development have to be weighed against stability of "home" posting, but that is a fact of life for many employees in a geographically large country. Retraining of NBHP personnel to RCMP standards may also be seen as a disadvantage to NBHP personnel because of disruption of home-life while in Regina, but ability thereafter to perform a full range of police duties within the wide mandate of the RCMP compensates for this by increasing career opportunities beyond those presently facing most NBHP members. The training period, in any event, could, in my view, be flexible; one month for former RCMP members and a sliding scale for others depending on previous training and experience. Few, if any, NBHP members

would, in my view, need the full recruit training course at Regina.

In respect of the immediate employment consequences for members of the NBHP in the event that the RCMP were to resume highway patrol functioins, the following issues need to be raised. In the first place, the Chief of the NBHP has a contractual agreement for five years which expires in August, 1991. Under that agreement the Chief can only be dismissed for cause. Therefore some alternate arrangement would have to be made in respect of the Chief. As for the other members of the NBHP, it would seem that certain statutory provisions would apply. The New Brunswick Highway Patrol Act which came into force on April 1, 1988, allows for the appointment of members to the NBHP in accordance with the Civil Service Act of the province. Under the Civil Service Act the Board of Management may make regulations prescribing the conditions and procedures for layoff, rejections from employment and subsequent re-appointment. The existing regulations direct that the employee be given one month's notice that his/her services and no longer required because of a lack of work or because of the discontinuance of functions. Arrangements can be made to give the employees priority consideration for other vacancies in the civil service should they have appropriate qualificatioins. It seems apparent that within this latter category would be a number of current NBHP members who must be retained for commercial vehicle enforcement.

Civilian

Civilian members of the NBHP could be retained as New Brunswick public employees or hired as federal employees depending on arrangements between the federal and provincial governments so that many existing dispatchers and stenographers should be able to retain their positions whether the NBHP is retained or the highway patrol reverts to the RCMP.

Bi-lingualism

Service to the public in both official languages appears to be adequately dealt with under existing NBHP and RCMP standards and this important issue will not adversely be affected by the government decision on who is to provide the highway patrol function in the Province.

Buildings

This is one of the main areas where there is duplication of scarce public resources in the current "cooperative" policing model. There are two buildings in proximity to each other in many locations in the Province and some of the NBHP buildings are located in places where no professional policing requirement would place them, resulting either in uneven lengths of journeys to sections of the detachment from that location or unnecessarily

long journeys to highways, courts and vehicle-servicing facilities.

If the NBHP is to be retained there would have to be at least seven new locations identified to reduce the patrol areas to manageable size and several would have to be re-located to provide more rational coverage patterns.

The usefulness or otherwise of the present NBHP locations is such that only Doaktown would seriously be looked at by the RCMP as a possible extension to their 37 present locations.

Communications

It is not necessary to have two buildings, housing two separate communication centres for the NBHP and the RCMP. The equipment is compatible and that relating to police operations should be housed and supervised in one integrated location. Even considering that each system is linked by means of the Integrated Radio Communications System, this blatant splitting of two highly complementary aspects of modern policing is not justified financially or operationally.

Vehicles

The NBHP is pursuing a policy of one-person-one vehicle whereas the RCMP pursues a policy of several personnel per vehicle depending on the number of personnel operating from a given location (the more personnel, the more persons per vehicle).

The NBHP claims that their approach is cost-effective because vehicles and equipment are better cared for by single operators and last longer - 4 years, it is projected, instead of 2. It is also said that this method provides better visibility since motorists do not know whether an NBHP car is 'on-duty' or not e.g. when an NBHP member is taking his vehicle to or from home where it is stored and maintained.

The RCMP only permits a member to take a police car home if the member is "on-call". Otherwise it is the member's own obligation to get to and from work like most other workers. As a result, the capital outlay on vehicles is much less under this system.

NBHP has not been operating the one-person one-car system long enough for it to be shown whether the contention that it is cheaper in the long-run is accurate. My own suspicion is that, despite some limited research in favour of such a contention,[43] the RCMP system will prove to be cheaper. The NBHP system "rewards" the wrong person. The "considerate" officer gets to drive a 3 and 4 year old car for two years of the four year cycle. The "rough" officer gets a new car every two years. Under the "shared-car" system one may not know who the "considerate" and "rough" drivers are whereas this may become clearer on the "one-person one-car" system. But how does one sanction the "rough" driver if he is identified? Is he left with an unfit vehicle or is it replaced? Operationally he has to be given a fit vehicle. Thus there is little incentive to be a

"considerate" driver. This seems to be an expensive way of finding out who drives cars with care and consideration for the vehicle and who does not. It might be better to start from the proposition that trained police officers will not abuse the piece of equipment upon which their own safety and that of their colleagues depends.

THE OPTIONS FACING THE GOVERNMENT

(1) That there be created a New Brunswick Provincial Police force (NBPP) to cover all of the province, or all of the territory outside the cities of Fredericton, St. John and Moncton or all of the territory outside these three cities, plus Bathurst and Edmundston. This force would do all of the policing in the area decided upon including the highway patrol function but excluding enforcement of federal statutes outside the Criminal Code which would continue to be a federal (RCMP) function. This provincial police force could either be a specially created NBPP or the work could be contracted in whole or in part to the RCMP depending upon the desires of the government based on a relative costs/service-provided basis. Even if no NBPP is to be created, all existing police forces below 15-20 police personnel should be replaced with RCMP contracts.

(2) That the status quo of the cooperative policing model be allowed to continue with the RCMP doing the general provincial policing and the NBHP doing the highway patrol function, each party being upgraded along the lines of their current requests for budgetary increases to achieve appropriate levels of service to the community.

(3) That the NBHP be disbanded and the highway patrol function be returned to the RCMP with the mobile weights and measures function being strengthened and placed under the Department of Transportation.

OPTION 1 : Provincial policing in some form

Advantages

1. This would provide a coherent structural and functional policing system in New Brunswick.

2. It would raise the question of the RCMP vs. NBHP to a higher plane i.e. it would place the "choice" in a broader context by seeking to create the best policing system for the Province rather than concentrating on a choice which deals with only part of the problem.

3. It would do away with the many problems associated with too-small police forces e.g. lack of 24 hour coverage, insufficient back-up to permit absences for essential training, poor career-path opportunities for personnel. Only five communities meet the threshold of 15-20 police members plus clerical help as established by competent Canadian police research. They are Fredericton (86), Moncton (119), Saint John (198), Edmundston (25), and Bathurst (28). The other 21 communities with their own municipal forces range from a low of 3 members to a high of 16 members. There are 12 communities with direct contracts with the RCMP. There does not seem to be any rationale for why those 12 engage the RCMP and not the other 21.

Only the five who meet the threshold should retain their own municipal forces. The others should be policed provincially. Note that in the current arrangements in municipalities of more than 2500 persons, the consent of the Solicitor General is required before services can be provided under the provincial contract.

3. The weights and measures work could stay within the provincial policing function - but only if it is carried out by a (non-RCMP) provincial police force.

Disadvantages

1. It would be disruptive in the short-run and would involve an expensive and prolonged process before it could be achieved since it would involve the Province in large capital expenditures for buildings, equipment and support facilities which could only be defrayed, in part, by municipal contributions following complex fiscal negotiations.

OPTION 2 : Retaining the "cooperative policing" model

Advantages

1. It would be least disruptive to personnel in NBHP.

2. It would continue to separate out highway policing from the general police function and thus help to ensure that

specific attention was being paid to highway-related enforcement problems.

Disadvantages

1. It would continue the 'myth' of "cooperative policing" when, in fact, nothing has been done at the structural level to ensure that liaison occurs at the Chief of Highway Patrol - Chief Superintendent of 'J' Division level and down through the various levels of each force.

2. There will continue to be a duplication of provision of personnel, buildings, vehicles and communications systems.

3. Can New Brunswick afford to have two police forces sharing the province-wide functions with one concentrating on general duties (RCMP) and one concentrating on traffic (NBHP)? Cost of Upgrading RCMP - $896,000 in 88/89. Cost of Upgrading NBHP - $483,500 in 88/89 & Commercial Vehicle Enforcement expansion - $545,000 in 88/89. Overall, keeping cooperative policing means approximately an extra $2.3 - $2.4 million a year to total provincial policing budget compared to what it would be if NBHP were disbanded.

4. Current attrition rate in NBHP is high and substantial wage increases to off-set this trend would be required.

5. Lack of selective enforcement, i.e. lack of in-depth accident analysis.

6. Specialization, which sought to put more personnel on the highway, resulted in a double set of supervision and support personnel which effectively put less police on the highway.

OPTION 3 : Returning the highway patrol function to the RCMP

Advantages

1. The fact that the highway patrol function cannot be easily separated from general police duties would be recognized.

2. The concern of New Brunswick that a guaranteed proportion of enforcement be directed towards highway patrol can be assured by the way in which reporting relationships and accountability within the RCMP is organized, in particular by having personnel specifically dedicated to the highway patrol function.

3. More detachments would mean better coverage, and selective enforcement, following proper analysis, would replace zone patrolling.

4. Unity of services would be achieved under one command structure.

5. The serious traffic offender is a "criminal" and should be dealt with as part of the general police function.

6. There would be no overlap of personnel, buildings, communications systems and vehicles.

Disadvantages

1. There may be some dislocation of service to the public during the 'phasing-in' of the RCMP assumption of highway patrol duties.

2. The Government of New Brunswick must ensure that a cost-sharing formula is agreed with the federal government such that a return to RCMP traffic services is cost effective both pre and post 1991.

3. Commercial Vehicle Enforcement (that which RCMP will not be doing) will have to be set up in the Department of Transportation.

4. There will be a one-time cost for RCMP training and transfer expenses, subject to negotiations.

5. There may be some sense of loss of local autonomy and pride.

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RECOMMENDATIONS

1. The Government of New Brunswick should adopt both a long-term (5-10 yrs) and a short-term (immediate) strategy for policing arrangements in the Province.

2. The long-term strategy should include a careful analysis of the structure of policing in the Province, the functions which that structure is intended to perform and the consultations which will be necessary with municipal governments on rational alternatives to the present out-dated arrangements.

3. In the long-term, New Brunswick should be investigating the possibility of creating a New Brunswick Provincial Police force in some form which makes operational and fiscal sense for the Province and which may or may not involve RCMP contracting depending on the economics of federal-provincial cost-sharing for police services in the future.

4. In the short-term, New Brunswick should,
   (a) apply to the Solicitor General (Canada) to extend the current provincial policing contract with the RCMP to include the highway patrol function on the same cost-sharing formula as applies to the remainder of the

existing provincial policing contract which expires on March 31, 1991.

(b) ensure that the extended contract makes express provision for RCMP structural arrangements to ensure that an effective highway patrol function is maintained e.g. by identifying a group dedicated to highway patrol, and by supervision, record-keeping, auditing and reporting mechanisms.

(c) give NBHP and RCMP not less than 3 nor more than 6 months notice of the transfer of function from the one to the other.

(d) encourage as many existing NBHP members as possible to apply for RCMP positions and negotiate reasonable re-training requirements with the RCMP.

(e) arrange with the Commissioner of the RCMP for the special appointment of those NBHP members who seek, and are suitable for, eventual appointment as RCMP officers to be under the command of the Chief Superintendent 'J' Division pending training to assist in the orderly transfer of function from NBHP to RCMP.

(f) transfer the mobile weights and measures function and related commercial vehicle enforcement personnel of NBHP to re-join the stationary weights and measures section of the Department of Transportation which should be strengthened to deal with increased commercial vehicle use of the highways as a consequence of deregulation initiatives.

(g) arrange for the continued employment of as many NBHP stenographers and civilian communications personnel as possible within the extended RCMP function.

RATIONALE

The terms of reference of this study required me to consider two criteria, "service" and "cost". On the question of service to the public it is my view that this is detrimentally affected by the arbitrary splitting of the highway patrol function and the general policing function into activities performed by two separate police forces operating in the same geographical area. In my view, better service on the highway patrol function can be achieved by proper organizational arrangements within a unified policing operation having the benefit of coordinated planning and analysis capabilities. On the question of cost, the current operation results in a duplication of personnel, buildings, vehicles and communications systems. When this is considered in addition to the current federal-provincial cost-sharing formula it becomes clear that NBHP cannot compete on any basis of cost-analysis.

I would not wish this concentration on organizational principles to be read as any criticism of the many fine individuals who are currently members or employees of the NBHP. If my recommendations are followed, many will have a bright future with the RCMP or the Department of Transportation. They share no blame for the organizational failure of separating the traffic and general policing functions into separate work for

separate police forces in the same territory. In short they were given a "Mission Impossible".

ENDNOTES

1. A. Grant: The Police, A Policy Paper (1980) Ministry of Supply and Services Canada, 16.

2. [1977] 2 S.C.R. 152.

3. [1983] 2 S.C.R. 206.

4. [1983] 2 S.C.R. 284.

5. P. Hogg: Constitutional Law of Canada, (2nd Edn.) (1985), 425, at note 195.

6. The Task Force on Policing in Ontario (1974) held that police forces under 15 to 20 in size cannot provide 24 hour coverage of their areas because of the need to make provision for weekly leave, statutory holidays, annual leave, sickness, court attendance and training of personnel and essential specialization (Report at 43). The Royal Commission on Police (1962) in the U.K. had already opined that the optimum size for a police force should be not less than 500 to fully provide for operational flexibility, adequate training and discipline systems and to create proper career paths based on merit rather than seniority.

(Cmnd. 1728 at 85) Subsequent amalgamations in England have brought the minimum size of a police force to about 1000.

7. O.W. Wilson and R.C. McLaren Police Administration, (4th Edn.), (1977) McGraw-Hill, at 94-97. Recently the State Police in Western Australia has integrated a previously separate highway patrol force into the state police. (Information: Chief Superintendent Ellingwood, Perth, Australia)

8. This includes two regional forces, B.N.P.P. and Rothesay.

9. Comprising 24 municipal Chiefs of Police, 2 Regional Chiefs of Police, the Chief of the NBHP and the Chief Superintendent "J" Divn., RCMP.

10. By comparison the U.K. figure is about one police chief for every 1000 policemen.

11. R. Loreto; Re-organizing Municipal Police Forces in Ontario: The Convergence of Functional and Local Reform Interests (1984) Ph.D. dissertation U. of T. For another, and in my view much less compelling, discussion of the problems and their solution see C. Murphy: The Social and Formal Organization of Small Town Policing: A Comparative Analysis of RCMP and Municipal Policing (1986) Ph. D. dissertation U. of T.

12. Shippagan is cited as a detachment location in the February 1988 Discussion Paper prepared by the Department of the Solicitor General but is not cited in the April 1988 Briefing Document.

13. The figures are from a memo from the Director of Policing Services, May 1988.

14. J.M. Jones: Organizational Aspects of Police Behaviour (1980) Gower Publishing, 60-78.

15. Ibid., 61.

16. New Brunswick Motor Vehicle Traffic Accident Statistics, 1987, Department of Transportation.

17. These numbers reflect figures for full-time officers from Canada Year Book 1988, Statistics Canada, p. 20-20.

18. Discussion Paper of Issues Involved in a Comparative Evaluation of the NBHP and the RCMP. Department of Justice, Research and Planning Branch and the Canadian Centre for Justice Statistics, November 1984.

19. Ibid.

20. Time Study on the NBHP, Volume I pp. 58-61.

21. NBPEA Submission of June 15, 1988.

22. Organizational Study of the NBHP, April 1987, p.16.

23. NBPEA Submission of June 15, 1988.

24. Organizational Study of the NBHP, April 1987, Appendices F-H.

25. All statistics are from the Canadian Centre for Justice Statistics, Ottawa.

26. Submission of Chief Belley, NBHP, June 13, 1988.

27. Ibid.

28. Ibid.

29. Ibid.

30. Ibid.

31. Policing in New Brunswick, A Discussion Paper, February 1988, p.6.

32. The Department of Transportation cites $300,000 as the figure for 1988/89.

33. RCMP Proposal for Resumption of Traffic Law Enforcement, May 3, 1988.

34. Ibid.

35. Supplement to RCMP Proposal June 16, 1988.

36. The RCMP did not, although asked, submit costs beyond 1990/91.

37. Supplement to RCMP Proposal, June 16, 1988.

38. The Commercial Vehicle Enforcement figures are those provided by the NBHP in its submission of June 13, 1988.

39. P.C. Stenning: Police Commissions and Boards in Canada (1981) Centre of Criminology, U. of T., 26-28.

40. G.F. Gregory: "Police Power and the Provincial Minister of Justice", (1979) 27 Chitty's L.J. 13-18.

41. For an in-depth analysis of the interaction within and between front-line production systems and their underlying supportive structures see F.A. Nigro and L.G. Nigro, Modern Public Administration (3rd Edn.) New York: Harper & Row, 1973.

42. A minimum of 20 hours a day in 2 ten hour shifts with at least one officer a patrol in each detachment area during daylight hours. Between 3 a.m. - 7 a.m. covrage is on an 'on-call' basis.

43. This research was provided to me by the NBHP and includes memos describing take home vehicle programmes in three U.S. jurisdictions.

Appendix 'A'

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Map of New Brunswick showing NBHP detachments.

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Appendix 'B'

LIST OF PERSONS INTERVIEWED

RCMP

Chief Superintendent Farrell
Superintendent Robichaud
Superintendent Vermette
Insp. Ryan
Staff Sergeant Sanford

NBHP

Chief Belley
Former Chief Poirier
Deputy Chief Ivey
George Reid - Consultant
Staff Sgt. Foley
Sgt. Moffatt
Cst. Lisson
Cst. Gallagher
Cst. White
Cst. Landry

N.B.P.E.A.

Executive Director Levasseur

Others

Chief Superintendent Ellingwood,
Perth, Western Australia.